

DUPLICATE

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA	:	
Plaintiff,	:	
	:	
v.	:	CRIMINAL ACTION
	:	NO. 1:91-CR-078-01-GET
CHRISTOPHER P. DROGOUL,	:	
Defendant.	:	
	:	

NOTICE OF INTENTION TO USE EVIDENCE

NOW COMES the United States of America by and through undersigned counsel, pursuant to Rule 12(d)(1), Fed. R. Crim. P. and by order of this Honorable Court,¹ and respectfully provides notice to the defendant of the government's intention to introduce statements of the defendant at trial.

The following is a listing of Drogoul's statements which may be offered as evidence during the government's case-in-chief. The listing includes the names of those witnesses who were present when the statement was given, if applicable. Also attached, by exhibit numbers indicated, are minutes, reports, notes, or memoranda of the statements prepared by government agents or other witnesses.

¹ On June 9, 1993, the court orally directed the government on or before July 15, to identify all statements made by the defendant which it intends to use in its case-in-chief at trial, and to furnish copies to the court and the defendant, together with an identification of the witnesses it will use in order to prove the statements. (Tr. at 7-8). All statements of the defendant have been furnished to the defendant previously, pursuant to Rule 16, Fed. R. Crim. P.

1989 STATEMENTS

A. Statements to BNL²

<u>No:</u>	<u>Date:</u>	<u>Exhibit:</u>	<u>Witnesses:</u>
A-1	8/7/89	minutes	Pietro Lombardi Carlo Vecchi Alvin Hellerstein
A-2	8/8/89	minutes	Umberto D'Addosio Francesco Petti Domenico Bacigalupo Franco Raffo Louis Messere P. Bruce Kirwan
A-3	8/14/89	minutes	Umberto D'Addosio Francesco Petti Mr. Fratini Franco Raffo Tullio Lanari Mr. Balocchi P. Bruce Kirwan
A-4	8/15/89	minutes	Umberto D'Addosio Franco Raffo
A-5	8/16/89	minutes	Leigh Ann New Umberto D'Addosio Franco Raffo Mr. Fratini Tullio Lanari
A-6	8/18/89	minutes	Leigh Ann New Amadeo DeCarolus Umberto D'Addosio Franco Raffo Mr. Fratini
A-7	8/21/89	minutes	Paul Von Wedel Amadeo DeCarolus Umberto D'Addosio Franco Raffo
A-8	8/24/89	minutes	Umberto D'Addosio Franco Raffo Mr. Carfinelli, P. Bruce Kirwan

² Drogoul's statements to officials at BNL are not addressed in the defendant's motion to suppress.

B. Statements to U.S. Government Agents

<u>No:</u>	<u>Date:</u>	<u>Exhibit:</u>	<u>Witnesses:</u>
B-1	8/10/89	report (FBI 302)	S/A Joe Hardy S/A John Kingston Janet Blackmon Tracey Whitesides William Estes Zane Kelley Mr. Zembou Mr. Profin Franco Raffo P. Bruce Kirwan
B-2	8/10-11/89	report (FBI 302)	S/A Joe Hardy Janet Blackmon Tracey Whitesides William Estes Zane Kelley Mr. Profin Franco Raffo P. Bruce Kirwan
B-3	8/28/89	report (FBI 302)	S/A Joe Hardy William Estes Madeleine Marsden Bob Kennedy
B-4	9/11/89	report (IRS MOI)	S/A Ron Brackin

C. Memorandum to File

C-1	9/89	Memorandum to File, Arnall, Golden & Gregory (122 pages)	
C-2	9/8/89	agent notes	S/A Joe Hardy
C-3	9/11/89	agent notes	S/A Joe Hardy S/A Art Wade William Estes Madeleine Marsden Bob Kennedy S/A Horton S/A Ron Brackin S/A Tim Davis

D. "Oral Commitments"

D-1 8/89 "Oral Commitments"
(handwritten by Drogoul)

E. Lackland Letters³

E-1	9/15/89	letter	Theodore Lackland
E-2	9/21/89	letter	Theodore Lackland
E-3	11/3/89	letter	Theodore Lackland
E-4	1/16/92	memo	Theodore Lackland

F. Admissions to Williams & Connolly

F-1	7/29/92	report (FBI 302)	Vincent Fuller Steve Umin Peter Kahn S/A Art Wade Robert Kennedy S/A Linda Blakeney
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1992 STATEMENTS

G. Post-Plea Statements and Testimony

G-1	6/92	"Origins of BNL" (prepared by Drogoul)	Sheila Tyler Mike Hutchinson S/A Art Wade S/A Bill Campbell Robert Kennedy
G-2	9/29-30/92	transcript of sworn testimony before Judge Marvin Shoob	


3 Drogooul's "vicarious" admissions, delivered through his attorneys are not addressed in the motion to suppress.

H. Public Statements to News Media⁴

H-1	4/1/92	"Il Manifesto" article	Fabrizio Tonello Flavio Accorner
H-2	9/20/92	video tape ⁵ transcript	Mike Wallace, Lowell Bergman, CBS News ⁶
H-3	11/1/92	video tape transcript	Mike Wallace, Lowell Bergman, CBS News

RESPECTFULLY SUBMITTED,

PHILIP B. HEYMANN
DEPUTY ATTORNEY GENERAL



JOHN A. MICHELICH
SPECIAL ASSISTANT UNITED STATES ATTORNEY
BNL TASK FORCE

⁴ Drogoul's public statements to the news media are not addressed in the defendant's motion to suppress.

⁵ Video tape cassettes of the program have been furnished to the defendant in discovery pursuant to Rule 16, Fed. R. Crim. P. The government will also seek to use any "out-takes" of the interview if and when they become available.

⁶ In addition, the government may seek to present testimony of any other witnesses who were present during the interview such as producers, etc., who are presently unknown to the government.

CERTIFICATE OF SERVICE

This is to certify that I have this date served upon the person(s) listed below a copy of the foregoing document either by hand delivery, by facsimile, or by placing the same in a franked envelope requiring no postage for delivery and addressed as follows:

Robert M. Simels, Esquire
Robert M. Simels, P.C.
260 Madison Avenue, 22nd Floor
New York, New York 10016

Jay L. Strongwater
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1201 W. Peachtree St., N.W.
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This 15th day of July, 1993.

PHILIP B. HEYMANN
DEPUTY ATTORNEY GENERAL



JOHN A. MICHELICH
SPECIAL ASSISTANT UNITED STATES ATTORNEY